

FILED '09 SEP 15 13:18 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

| | | |
|------------------------|---|---------------------|
| STEVEN KEITH DONOGHUE, |) | |
| |) | |
| Petitioner, |) | |
| |) | Civil No. 09-512-TC |
| |) | |
| v. |) | |
| |) | ORDER |
| MARK NOOTH, |) | |
| |) | |
| Respondent. |) | |

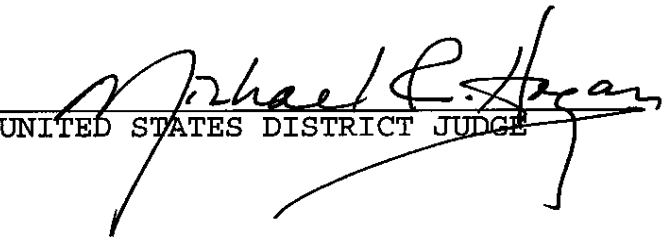
Magistrate Judge Thomas M. Coffin filed Findings and Recommendation on August 10, 2009, in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Petitioner has timely filed objections. I have, therefore, given de novo review of Magistrate Judge Coffin's rulings.

I find no error. Accordingly, I ADOPT Magistrate Judge Coffin's Findings and Recommendation filed August 10, 2009, in its entirety. Respondent's (unopposed) motion to dismiss (#8) is allowed. Petitioner's petition (#2) is denied without prejudice to re-file after petitioner has exhausted state court remedies. This proceeding is dismissed.

IT IS SO ORDERED.

DATED this 15th day of Sept., 2009.


UNITED STATES DISTRICT JUDGE